United Nations A/67/389

General Assembly

Distr.: General
24 September 2012
English
Original: Spanish

Sixty-seventh session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 19 September 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the response of the Argentine Government (see annex) to the letter addressed to you by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations on 27 January 2012 and circulated as document A/66/677, in response to the press release of 3 January 2012 issued on the occasion of the 179th anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (A/66/653).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45, concerning the question of the Malvinas Islands.

(*Signed*) Mateo **Estreme**
Chargé d'affaires a.i.

12-52116 (E) 021012 021012

Please recycle

Annex to the letter dated 19 September 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Argentine Republic has the honour to write to the Secretary-General of the United Nations with reference to the letter addressed to him on 27 January 2012 by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations and circulated as document A/66/677.

The Argentine Republic rejects each and every one of the statements and omissions in the aforementioned letter on the grounds that they attempt to distort and detract from the truth of duly documented historical events.

The content of the British letter is so contradictory that it ends up bearing eloquent testimony to just how untenable is the position of the United Kingdom concerning the question of the Malvinas Islands. The only argument attempted by the United Kingdom to justify its position is the principle of self-determination of peoples. In other words, it claims to have acquired a right by virtue of a principle that, according to the United Kingdom itself, was enshrined in the Charter of the United Nations more than a century after its invasion of the Malvinas Islands in 1833. The United Kingdom also accuses Argentina of a failure to comply with international law, but it does so after having reneged for several decades on its obligation to negotiate a solution to the sovereignty dispute that exists between the two countries with regard to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

There is no way to justify or validate the act of usurpation of the Malvinas Islands by the United Kingdom in 1833, or to claim that it has any lawful effect; this act, from the very moment of the British invasion until now, has been the subject of continuing and repeated protests by Argentina. The stance taken by the United Kingdom in ignoring this reality also reveals its clear lack of a solid basis for what it considers to be its rights on the question of the Malvinas Islands, since, among other facts, it fails to mention the 32 Spanish governors who were stationed on the Islands between 1774 and 1811 and the many actions taken by Argentine Governments from 1810 onward, which demonstrated Argentine sovereignty over the islands, all without any protest whatsoever by the United Kingdom. On the contrary, in 1825 Argentina and the United Kingdom, in their capacity as sovereign States, signed a Treaty of Amity, Commerce and Navigation. At that time, Argentina was publicly and peacefully exercising its sovereignty over the Malvinas Islands, a territory that the United Kingdom recognized as Argentine and that it invaded eight years later.

The Argentine Republic regrets the fact that the United Kingdom, as well as presenting untenable arguments to justify its position, is attempting to distort the Argentine position on the sovereignty dispute and its geographical scope. In that regard, Argentina refers to the expressions of its own position and recalls that the question of the Malvinas Islands, as it is understood by the United Nations, comprises the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The sovereignty formula, agreed by both States and applied in numerous bilateral understandings, entails recognition of the existence of a sovereignty dispute between the two countries, as well as the geographical area of that dispute, which necessarily

includes the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

Furthermore, the Argentine Republic rejects the attempt of the United Kingdom to disguise its current conduct as some possible interpretation of the principle of self-determination of peoples, which, moreover, does not appear to be the focus of its concerns in other situations even today. That principle, which is a tool for decolonization, could never be invoked in favour of the British settlers who inhabit the islands, without contradicting its intended essence and purpose as enshrined in law. The British attempt to put the wishes of its own population, which it had implanted on the islands, before compliance with international law lacks any rationality and could hardly be interpreted as the result of a good-faith analysis by that country of the situation in which it finds itself concerning the sovereignty dispute. As if that were not enough, the United Nations has shown itself to be opposed to the British position, describing the question of the Malvinas Islands as a special and particular colonial case, and has called, for more than 47 years, for that case to be resolved by negotiations between the two parties, Argentina and the United Kingdom, bearing in mind the interests of the islanders. It should be recalled, moreover, that the General Assembly, in 1985, rejected two British amendments that aimed to introduce the principle of self-determination in the relevant resolution concerning the question of the Malvinas Islands.

The United Nations, through General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, as well as the annual resolutions of the Special Committee on decolonization, the most recent of which was adopted on 14 June 2012, testifies to this by acknowledging the existence of a sovereignty dispute between Argentina and the United Kingdom and requesting that the two parties should resolve it, bearing in mind the interests of the islands' inhabitants.

The Argentine Republic reiterates once again to the United Kingdom its commitment to respect the interests of the islanders, as reflected in the safeguards and guarantees offered to that end and negotiated in the past with the United Kingdom itself, as well as its constitutional commitment to respect the way of life of the islands' inhabitants.

The Argentine Republic notes with concern that the United Kingdom persists in carrying out unilateral activities in the disputed area that are contrary to General Assembly resolution 31/49 and that it refers to an alleged withdrawal of Argentine cooperation with the United Kingdom on various matters related to the South Atlantic, when in fact it was those unilateral acts by the United Kingdom that prevented the continuation of bilateral cooperation on the said matters.

Argentina recalls that cooperation on fisheries issues in the South Atlantic has been prevented by successive unilateral acts by the United Kingdom, such as the establishment of alleged maritime jurisdictions around the Malvinas Islands in 1986 and 1990, and around the South Georgia Islands and South Sandwich Islands in 1993; the sale of fishing licences since 1987; the unilateral lifting in 1994 of the temporary total prohibition of fishing in the area defined in the annex to the Joint Statement of 28 November 1990 and in the area to the west of that area; and the establishment in 2005 of a quota system for fisheries resources in the waters surrounding the Malvinas Islands, a measure that constitutes a form of unlawful and

unilateral long-term disposition of fisheries resources in the disputed maritime areas.

Similarly, Argentina recalls that the decision taken in 2007 to terminate the Joint Declaration on Cooperation over Offshore Activities in the South West Atlantic was attributable to repeated unilateral activities by the United Kingdom that ran counter to the aforementioned Declaration, and that it was taken following a period of reflection that began when both countries acknowledged the existence of a dispute relating to the interpretation of the geographical area to which the Declaration applied.

With regard to the operation of charter flights and the scheduled flight to the Malvinas Islands that LAN Chile operates on a weekly basis, referred to by the United Kingdom in its letter, the Argentine Republic recalls that charter flights were never subject to any agreement and notes that the British Government has failed to take account of the fact that Argentina has repeatedly proposed to the British Government a review of the current situation in relation to air links between mainland Argentina and the Malvinas Islands.

The Argentine Republic deems it necessary to clarify that various measures taken within its domestic jurisdiction are motivated by the need to protect the renewable and non-renewable resources that the United Kingdom apparently means to exploit, showing little regard for the fact that not one country on the continent in which those resources are located accepts it as having undisputed sovereignty over the islands in question. In this context, it is only reasonable that Argentina should continue to take measures aimed at discouraging the illegal exploration and exploitation of those resources. The said measures have been taken by the Argentine Republic in exercise of its sovereign rights and in conformity with international law.

It is also necessary to clarify that all commitments made by the countries members of the Southern Common Market (MERCOSUR) constitute an expression of the sovereign will of each and every one of its member States; such commitments comply with international law and the legislation of each of those countries. In this context, it must be recalled that the measure cited by the United Kingdom in its letter was taken in respect of a flag that is recognized by neither the Argentine Republic nor any of the other countries members of MERCOSUR.

Furthermore, it wishes to reiterate that Decree No. 256/2010 is fully compatible with Argentine sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and is not an obstacle to freedom of navigation, in conformity with international law, including the United Nations Convention on the Law of the Sea.

The Argentine Government reiterates its invitation to the United Kingdom to resume negotiations in accordance with the mandate of the United Nations and the international community's numerous calls in that regard, in order to arrive at a solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Furthermore, the arguments put forward by the United Kingdom in its letter of 27 January 2012 would find better expression in the resumption of sovereignty negotiations between the two countries, which the United Kingdom has been refusing for over 30 years.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

United Nations A/67/390

General Assembly

Distr.: General
25 September 2012
English
Original: Russian

Sixty-seventh session
Agenda items 69 and 119

Promotion and protection of human rights

United Nations reform: measures and proposals

Letter dated 21 September 2012 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a position paper on the approaches of the Russian Federation to enhancing the human rights treaty bodies (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the sixty-seventh session of the General Assembly under agenda items 69 and 119.

(*Signed*) Vitaly **Churkin**

12-52171 (E) 280912 011012

Please recycle

Annex to the letter dated 14 September 2012 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Approaches of the Russian Federation to enhancing the human rights treaty bodies

(position paper)

1. The Russian Federation attaches great importance to the strengthening of the human rights treaty body system, which it considers one of the key elements of the international system for the promotion and protection of human rights.

2. Despite the undeniable success achieved by these monitoring bodies, they are showing signs of a systemic crisis in their functioning owing in part to the growing number of States parties to the international human rights treaties, which has resulted in an unavoidable increase in the workload of the treaty bodies. That has a led to a situation in which the committees are in fact no longer able to consider periodic reports and communications in a timely manner. Moreover, the treaty bodies themselves often face justified criticism for overstepping their mandates, including through expansive interpretation of the human rights and freedoms guaranteed by the conventions and the related obligations of States parties.

3. The Russian Federation welcomes all efforts aimed at enhancing the effectiveness of the treaty committees. In that connection, the Russian Federation views in a positive light the multilateral process of "reflection" on the strengthening of the treaty bodies launched by the United Nations High Commissioner for Human Rights in 2009, which culminated with the publication of a report on the results (A/66/860) in June 2012.

4. However, until recently the only format for consideration of the issue that had not been utilized was an intergovernmental discussion of the work of the human rights treaty bodies involving all States Members of the United Nations without exception. Therefore, on 23 February 2012, the General Assembly adopted resolution 66/254, sponsored by the Russian Federation, on an intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system. This initiative stemmed from a concern on the part of the Russian Federation about the future of the human rights treaty bodies and the need to channel the multiple and uncoordinated discussions under way into an intergovernmental discussion under the aegis of the General Assembly. In this regard, the Russian Federation considers it necessary to adhere strictly to the intergovernmental nature of the negotiation process launched within the framework of the General Assembly, in accordance with the parameters for participation set out in paragraphs 4 and 6 of resolution 66/254.

5. It is the understanding of the Russian Federation that the mandate of the General Assembly under the Charter of the United Nations empowers it to discuss any matter relating to the activities of the treaty bodies. Some of those bodies may take decisions independently, while others must make recommendations either to the meetings of States parties to the respective treaties or to the treaty committees themselves. The Russian Federation is also of the view that the process of enhancing the treaty bodies must take place within the existing framework of international law

on the promotion and protection of human rights without any amendment of the texts of international human rights treaties.

6. The principal aim of the process, in our view, is to strengthen the capacity of the human rights treaty bodies to assist States parties in complying with their human rights obligations.

7. The views of the Russian Federation on the practical functioning of the human rights treaty body system are set out below.

Preparation of national periodic reports

8. At this stage, it is advisable to maintain the existing procedure for the preparation of periodic reports by States on compliance with their obligations under international treaties for the promotion and protection of human rights.

9. The so-called alternative procedure for the preparation of reports, whereby States parties to a treaty do not submit "full" reports but merely answer questions transmitted in advance by the treaty bodies, is currently being tested and the modalities have not been finalized. Nevertheless, some shortcomings of this procedure have already become evident:

- An excessive number of questions posed by the committees, requiring States to exceed substantially the recommended length for answers in order to provide detailed and objective information;
- The misuse of general theoretical questions by the treaty bodies, preventing States from providing concise answers that are also as complete as possible;
- The formulation of questions that go beyond what is set forth in the respective international treaties, resulting in encroachment on the competence of other treaty bodies.

10. Before extending this practice to all treaty bodies, it is necessary to await the initial results of the alternative procedure (once it has been in use for at least two or three years) and to conduct a comprehensive assessment of its effectiveness. At the current stage, this procedure should continue to be optional and should meet the following conditions:

- The procedure may be used only with the consent of the State party concerned;
- The questions to be answered by the State party must not go beyond what is set forth in the respective international treaties;
- Questions of a factual nature must be based on reliable information that has been verified several times;
- The number of questions to be answered by the State party should be limited in order to channel the discussion into a constructive process.

11. It is inadvisable to standardize the methodology and modalities used by States parties in preparing their periodic reports. This matter is not addressed by the international human rights treaties and is within the sole purview of the States parties. Taking into consideration their institutional, political, social, economic, cultural, religious and other characteristics, States themselves decide whether any national consultations are feasible or necessary and whether civil society institutions

and national human rights mechanisms should be involved in the preparation of the report.

12. For the same reason, it is unacceptable to require States parties to establish mandatory national ad hoc coordination mechanisms for the preparation of periodic reports. Such additional requirements may be placed on States only through amendments to the texts of the respective international treaties.

13. Merely placing a limit on the length of periodic reports might adversely affect the quality of the information being presented, the dialogue between States parties and treaty bodies and the content of the concluding observations on the reports. Such a step would be warranted only under the following conditions:

- Information on national legislation, statistical data and other items of a general nature should be included in an annex to the national report in order to ensure that the report itself is concise and focuses on the most important steps taken by States parties to comply with their international obligations under the relevant treaty;
- All annexes to national reports should be translated into the working languages of the treaty bodies in order to ensure that committee experts receive full and objective information on steps taken by States parties;
- A limit should be placed on the quantity of additional information that may be requested from a State party by the treaty bodies just prior to the presentation of its national report;
- Additional questions from the committees, which should be aimed solely at clarifying specific information contained in the national report of the State party, should be as clear and concise as possible;
- The principle of "division of labour" among the treaty bodies should be strictly observed and no questions should be posed that lie outside the competence of the committee concerned and the provisions of the respective international treaty.

14. Under the core international human rights treaties, States parties are required to submit periodically national reports on their compliance with the relevant international obligations for the promotion and protection of human rights. Normally, the first national report contains the key information comprising the core document. Subsequent periodic reports merely update this information, so that the treaty body always has available to it updated information on a given State party.

15. The Russian Federation holds the view that making it obligatory for States parties to update the core document periodically (including with respect to new legislation, policies and institutions) will not only require States parties to find additional resources (for the preparation and submission of the core document) and entail additional budgetary expenditure by the United Nations for translation and publication but will also violate the respective treaties, which do not include such a provision.

16. The best way to update the core document would be for the treaty body to incorporate the updated information from the periodic reports into the core document with the consent of the State party. This process would be editorial in

nature and would not place additional obligations on States parties, which can be done only through appropriate amendments to the international treaties.

17. Experience has shown that the main reason why States fail to submit periodic reports or submit them late and also why they fail to send national delegations to present their reports is not because States are unaware of their international obligations but because they lack the necessary capacity, including logistical resources, to fulfil them properly. In that connection, the Russian Federation considers that one way to enhance the functioning of the treaty bodies should be through broader implementation of the technical assistance programme to build the relevant capacities of States parties.

Consideration of national periodic reports

18. The idea of developing a master calendar requires further in-depth examination.

19. While this would appear to be an attractive proposal, it has a number of shortcomings. The main drawback is that it would undermine the basic principle underpinning the work of the treaty bodies. The main purpose of the treaty committees is to engage in constructive dialogue with States parties and assist them in complying with their obligations under each particular treaty. The adoption of a master calendar could lead to a situation in which one of the committees might begin considering a State's implementation of the treaty in the absence not only of a national report but also of an official Government delegation.

20. The introduction of a master calendar will also place an additional burden on the least developed countries, for which the annual submission of even one report can become an overwhelming task.

21. It is not entirely clear how the notion of a master calendar will square with the provisions of the core international human rights treaties, which stipulate different periodicities for the submission of national reports. One option might be for the committees to agree with the States parties on lengthening the time limits for submission of national reports (for example, from four to six years) or combining two or three reports into one report with a longer time limit (similar to the practice followed by the Committee on the Elimination of Racial Discrimination, for example). This would ease the workload of the committees for a period of time and would not require increased expenditure either by States or by the United Nations.

22. The establishment of national delegations for the presentation of periodic reports is the exclusive prerogative of States parties. It is unacceptable to make any demands of States parties concerning the composition of national delegations or the inclusion of specific stakeholder representatives.

23. The Russian Federation considers that the practice of sending a State party a list of questions from the committee experts just prior to (that is, a few days before) the presentation of its national report could be one means of enhancing the effectiveness of the dialogue between States parties and the treaty bodies. In particular, the State could give short exhaustive answers to the committee's questions during the time allotted for that purpose. That would not only optimize the dialogue with the State party during the presentation of the national report but would also remove the requirement that it send additional written information, which in practice is rarely considered by the treaty body experts. This would

obviously benefit the treaty bodies as well, since they would have full information that would allow them to formulate more objective and informed concluding observations following the consideration of national reports.

24. The practice whereby treaty bodies appoint country rapporteurs requires serious adjustment and improvement. It is not uncommon for committee members who have relied on the appointed rapporteurs to be completely unaware of the contents of the documents submitted. As a result, delegations spend considerable time answering questions that have already been answered in the report itself. In that connection, the Human Rights Committee's practice of appointing a country task force merits attention.

25. The practice of the Committee on the Elimination of Discrimination against Women to consider several reports simultaneously in parallel chambers is not appropriate for other committees owing to the difference in the size of membership between that Committee and the other treaty bodies. Moreover, holding meetings in parallel chambers makes sense only on the condition that the membership of the treaty bodies is based on the principle of equal geographical representation. There must be a guarantee that a State's report will be considered by a committee chamber that is geographically balanced.

26. Clear time limits must be set for interventions by members of the treaty bodies during the dialogue with States parties. There is a widespread practice whereby the bulk of the time allotted for the presentation of reports is essentially monopolized by committee members. Consequently, delegations have little time to provide complete and detailed answers to the large number of questions from treaty body experts.

27. In order to enhance the transparency of the treaty bodies and to ensure their true independence, objectivity and impartiality, the practice of conducting "closed" meetings of committee experts and various stakeholders must cease. All events and meetings held through the treaty bodies should be open to representatives of all stakeholders.

28. It is not uncommon that a State party is unable, for objective reasons, to send a delegation to a committee meeting to present its national report. A solution in such a situation might be to institute a practice of conducting dialogue between the national delegation and the committee using modern information and communications technology (for example, by videoconference and webcasting of committee meetings). A State party would be permitted to use these arrangements for the presentation of its national report provided it had submitted the proper request to the committee and had the necessary technical capacity (or, in the absence of such capacity, if the Office of the United Nations High Commissioner for Human Rights, which serves as the secretariat for the treaty bodies, provided the necessary technical support).

29. With a view to ensuring true impartiality and openness in the functioning of the treaty bodies, modern information and communications technology (including webcasting) should also be used for dialogue between committees and other information sources (such as United Nations system entities, national human rights mechanisms and civil society institutions) in the run-up to the presentation of national reports.

30. It will be feasible to end the preparation of summary records of committee meetings only if the use of modern information and communications technology is incorporated into the work of the treaty bodies and an open and well protected database of audio and video webcasts of all committee meetings is established.

31. The multilingual nature of the treaty bodies must be maintained. Reducing the number of languages in which States parties may submit or present their national reports will make it necessary for them to find additional resources for the translation of their materials.

32. Guidelines should be drawn up for the conduct of dialogue between the treaty bodies and States parties during the consideration of their periodic reports. Such a document should be developed jointly by States parties and the treaty bodies and should address only procedural aspects of the presentation of reports.

33. As they enhance their functioning and introduce new working methods, the treaty bodies should not under any circumstances establish further obligations for States other than those they undertook upon signing, ratifying or acceding to the international human rights treaties.

Concluding observations of the treaty bodies and their implementation

34. The Russian Federation maintains that the treaty bodies should draft shorter and more focused concluding observations following the consideration of periodic reports. The observations and recommendations should be realistic and pragmatic and should also take into account the actual capacities and needs of States parties.

35. The methodology and modalities to be used by States parties in implementing the treaty bodies' concluding observations are not stipulated by the respective international treaties. Such matters fall exclusively within the competence of the States parties. Taking into consideration their current institutional, political, social, economic, cultural, religious and other characteristics, countries independently determine whether they have a need and the capacity to adopt plans of action for the implementation of the concluding observations, propose new legislation or conduct national consultations; they also decide whether civil society institutions should be included in that process and whether an ad hoc coordinating mechanism should be established.

36. The international treaties in effect do not contain any provisions concerning what is known as the follow-up to the consideration of national reports. Any State party that is willing to engage in dialogue with the treaty bodies on this matter does so purely on a voluntary basis. The treaty bodies themselves and the Office of the United Nations High Commissioner for Human Rights may provide technical assistance only if so requested by the Government concerned.

37. The international human rights treaties do not provide for the conduct of country visits by the treaty bodies as part of the follow-up to the consideration of national reports. Committees may be granted that authority only through appropriate amendments to the international treaties or additional instruments (optional protocols) to that effect. Furthermore, that will place an additional burden (including a financial burden) on the treaty bodies and will adversely affect the discharge of their primary function: considering the national periodic reports of States parties.

38. Granting such authority to the committees would run counter to the very nature of the treaty bodies, whose purpose is to assist States in the implementation of their international human rights obligations, not to engage in monitoring and oversight.

39. The treaty bodies periodically assess the implementation of concluding observations by the States parties during the consideration of their national reports. The international treaties in effect do not set forth any procedure for interim reporting by States parties. The submission of interim reports on the implementation of concluding observations is a right, not an obligation, of States parties. Any institutionalization of an interim reporting process would be possible only through appropriate amendments to the international treaties or additional instruments (optional protocols) to that effect.

Procedure for the consideration of individual communications

40. Owing to the nature of the treaty bodies, the decisions they adopt on individual communications are not legally binding and serve only as recommendations. Materials relating to a communication and its consideration may be published or otherwise disclosed only with the mutual consent of the State party and the author of the communication. Failure to respect that condition constitutes a violation of the individual's right to privacy.

41. The gathering and archiving of information containing a citizen's personal details are governed by the relevant legislation of the State party. In that connection, discussions concerning the format and modalities of gathering and archiving information on individual communications should be guided by the confidential nature of that information. Moreover, the consent of the author and the State party is required to authorize the archiving and processing of that type of sensitive information.

42. The Russian Federation considers it inadvisable to establish a single open database of decisions of the treaty bodies on individual communications. Such a step would undermine the confidential nature of the proceedings as stipulated in the respective international treaties. For States parties, that very confidentiality is one of the most attractive features of such proceedings. Abandoning that principle could have an adverse effect on the goal of achieving the universality of the core international human rights treaties.

43. The Russian Federation holds the view that it would not be advisable to set up a joint inter-committee working group on communications. Such a move would not only run counter to the provisions of existing international treaties, but would also undermine the optional nature of the procedure for consideration of individual communications vis-à-vis the treaty bodies' primary duties, which are to consider national periodic reports, collaborate constructively with States parties and support them as they implement their international obligations.

44. Under international treaties and optional protocols governing procedures for individual communications, after a certain period of time has elapsed (generally, six months) following a decision by the committee, a State party must inform the treaty body of relevant measures taken. In that context, the Russian Federation finds that the consideration in the context of the presentation of national reports of matters

related to States parties' implementation of treaty body decisions on individual communications is inconsistent with the provisions of existing international treaties.

45. The Russian Federation is of the view that there must be deadlines for consideration of individual communications by the treaty bodies (for example, that such consideration take no more than two to three years). This would save both time during committee sessions and funds allotted for conference services. Moreover, setting deadlines for the consideration of communications would give the authors a clear idea of the outlook for consideration of their appeals in the relevant committees.

46. Guidelines should be drawn up for work on individual communications. Such a document ought to be developed jointly by States parties and the treaty bodies and should address only procedural matters related to handling such communications. The basic provisions on procedures for the consideration of individual communications contained in the relevant international treaties should undergo no changes.

General comments

47. The Russian Federation holds that it is necessary to institute a practice whereby general comments are prepared by the treaty bodies in close collaboration with the States parties and that the unique social, economic, political, religious and cultural features of particular States must be taken into consideration.

Composition of the treaty bodies and requirements for their experts

48. In order to comply with the principle of fair geographical representation of States in the composition of the treaty bodies, it would be advisable to establish regional quotas for membership in the various committees. The Russian Federation is of the view that specific parameters should be approved by conferences of the States parties to the relevant international treaties.

49. Requirements for the selection of candidates for membership in the treaty bodies and appointment and election mechanisms are enshrined in the relevant international treaties and fall exclusively within the competence of States parties. Changes to existing candidate selection and expert election procedures are possible only through appropriate amendments to the international treaties or additional instruments (optional protocols). Adoption of any new candidate selection criteria or mechanisms (such as advisory committees) through decisions, recommendations or guidelines adopted by the treaty bodies goes beyond their authority and is a breach of existing mandates.

50. There is a need for a set of measures designed to depoliticize the activity of the treaty bodies, make the experts more objective and ensure that they are truly independent, not only of States parties but also of other groups seeking to exert influence, including civil society institutions, the academic community and United Nations system entities. In that connection, it is important to draw up a set of ethical and professional standards of conduct and requirements for committee members (similar to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council) and also to establish an appropriate accountability mechanism should they fail to meet their obligations properly. The Russian Federation also favours term limits for treaty body members.

Collaboration with the special procedures of the Human Rights Council and regional and subregional organizations

51. Issues related to monitoring of States' implementation of recommendations from the special procedures of the Human Rights Council and regional and subregional organizations fall outside the competence of the treaty bodies. Committees may be granted that authority only through appropriate amendments to the international treaties or additional instruments (optional protocols) to that effect.

52. The special procedures and regional and subregional organizations are not authorized to monitor States parties' implementation of the concluding observations (recommendations) of the treaty bodies. The special procedures may be granted such additional functions only through modifications to their mandates.

United Nations A/67/391–S/2012/719

General Assembly
Security Council

Distr.: General
28 September 2012

Original: English

General Assembly
Sixty-seventh session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 21 September 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreig Affairs of Georgia dated 21 September 2012, in reaction to the concentration of the armed forces of the Russian Federation near the administrative borders of Georgia's occupied provinces (see annex).

I should be grateful if you would have the present letter and the annex thereto issued as a document of the sixty-seventh session of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Permanent Representative

12-52516 (E) 021012

Please recycle

Annex to the identical letters dated 21 September 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement by the Ministry of Foreign Affairs of Georgia in reaction to the concentration of the armed forces of the Russian Federation near the administrative borders of Georgia's occupied provinces

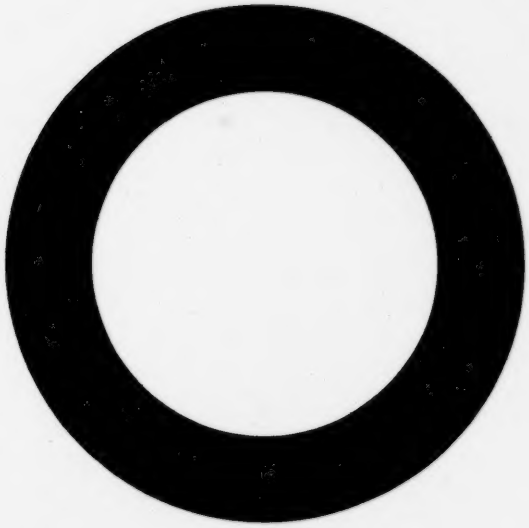
In recent weeks, the armed forces of the Russian Federation have been concentrating manpower and offensive equipment in the areas adjacent to the administrative borders of Georgia's occupied provinces, which increases the risk of dangerous provocation. This was confirmed today, as a helicopter of the Russian military made landing in the area controlled by the central Georgian authorities, in proximity to the Tskhinvali region.

The Ministry of Foreign Affairs voices stark protest in relation to this incident and calls on the Russian Federation to desist from amassing manpower and military assets in the occupied regions.

As the Ministry has stated earlier, the large-scale military manoeuvres of the Russian Armed Forces, "Kavkaz-2012", have been purposely rescheduled to coincide with the pre-election period in Georgia. Our concerns about subsequent risks and provocations have also proved valid.

The Foreign Ministry will urgently inform the relevant international organizations and Georgia's partners regarding the recent actions of the Russian occupation forces, so that they convey to official Moscow that this aggressive posture is unacceptable.

Tbilisi, 21 September 2012



United Nations A/67/392–S/2012/720

General Assembly
Security Council

Distr.: General
26 September 2012

Original: English

General Assembly
Sixty-seventh session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 21 September 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia dated 21 September 2012, regarding the European Union Monitoring Mission's concern over Russia's military build-up in the occupied Georgian territories (see annex).

I should be grateful if you would have the present letter and the annex thereto issued as an official document of the sixty-seventh session of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Permanent Representative

12-52302 (E) 280912

Please recycle

Annex to the identical letters dated 21 September 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia regarding the European Union Monitoring Mission's concern over Russia's military build-up in the occupied Georgian territories

Lately, high officials of the Ministry of Foreign Affairs of the Russian Federation made several statements on the alleged build-up of Georgia's military personnel and equipment along the occupation lines with the Abkhazia and Tskhinvali regions. In this regard, on 21 September 2012 the European Union Monitoring Mission in Georgia issued the following statement:

> "In recent days, there have been claims about a possible change in posture of Georgian security personnel at the South Ossetian Administrative Boundary Line. The European Union Monitoring Mission has been intensively engaged in monitoring and assessing these reports with the deployment of extra patrols and has been checking the situation with the relevant authorities. The Mission has not observed any evidence to support these claims. However, the European Union Monitoring Mission has further increased its patrolling to actively monitor the situation on the ground.
>
> "The European Union Monitoring Mission has at the same time observed a build-up of Russian Federation armed personnel along the South Ossetian Administrative Boundary Line. The Mission has raised its concerns about this activity with the relevant Russian command structures.
>
> "The European Union Monitoring Mission urges all sides to refrain from any activities that could destabilize the security and safety of the local population on either side of the Administrative Boundary Line."

The statement is available at: http://www.eumm.eu/en/press_and_public_information/press_releases/3329/.

Tbilisi, 21 September 2012

United Nations A/67/393–S/2012/721

General Assembly
Security Council

Distr.: General
26 September 2012
English
Original: Chinese, English, French and Russian

General Assembly
Sixty-seventh session
Agenda item 94 (k)
General and complete disarmament: Mongolia's international security and nuclear-weapon-free status

Security Council
Sixty-seventh year

Letter dated 20 September 2012 from the Permanent Representatives of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to attach herewith the text of a statement by France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning security assurances in connection with Mongolia's nuclear-weapon-free status (see annex).

We should be grateful if you would have the present letter and the annex thereto issued and circulated as a document of the General Assembly, under agenda item 94 (k), and of the Security Council. The statement should not be considered as eligible for registration under Article 102 of the Charter of the United Nations.

(*Signed*) **Li** Baodong
Permanent Representative of China to the United Nations

(*Signed*) Gérard **Araud**
Permanent Representative of France to the United Nations

(*Signed*) Vitaly I. **Churkin**
Permanent Representative of the Russian Federation to the United Nations

(*Signed*) Mark **Lyall Grant**
Permanent Representative of the United Kingdom to the United Nations

(*Signed*) Susan E. **Rice**
Permanent Representative of the United States to the United Nations

12-52308 (E) 280912

Please recycle

Annex to the letter dated 20 September 2012 from the Permanent Representatives of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

Joint declaration of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on Mongolia's nuclear-weapon-free status

The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Welcoming the declaration by Mongolia in 1992 of its nuclear-weapon-free status and passage of the Law of Mongolia on its Nuclear-Weapon-Free Status, which entered into force on 3 February 2000,

Taking into account the negative security assurances given to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America in their respective unilateral declarations issued on 5 and 6 April 1995, and referred to in Security Council resolution 984 (1995) of 11 April 1995, or as subsequently updated,

Recalling the statement concerning security assurances for Mongolia as regards nuclear weapons, issued on 5 October 2000 by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Taking into account Mongolia's status as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as its unique geographic status,

Welcoming Mongolia's policy of developing peaceful, friendly and mutually beneficial relations with other States,

Welcoming Mongolia's declaration regarding its nuclear-weapon-free status of 17 September 2012,

Noting that the following declaration constitutes a political commitment only and does not create by itself any legal obligations,

Declare as follows:

1. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm to Mongolia their intent to cooperate in the implementation of General Assembly resolution 53/77 D of 4 December 1998 with respect to Mongolia's nuclear-weapon-free status, in accordance with the principles of the Charter of the United Nations.

2. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America

reaffirm their intent to seek immediate Security Council action to provide assistance to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with the provisions of Security Council resolution 984 (1995) of 11 April 1995, if Mongolia should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

3. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm, in the case of Mongolia, their respective unilateral negative security assurances as stated in their declarations issued on 5 and 6 April 1995, and referred to in Security Council resolution 984 (1995) of 11 April 1995, or as subsequently updated.

4. The People's Republic of China and the Russian Federation recall and reconfirm the legally binding commitments undertaken by them with respect to Mongolia through the conclusion of bilateral treaties with Mongolia regarding these matters.

5. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America affirm their intent, as long as Mongolia maintains its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it.

(*Signed*) **Li** Baodong
Permanent Representative of the People's Republic of China
to the United Nations

(*Signed*) Gérard **Araud**
Permanent Representative of France to the United Nations

(*Signed*) Vitaly I. **Churkin**
Permanent Representative of the Russian Federation
to the United Nations

(*Signed*) Mark **Lyall Grant**
Permanent Representative of theUnited Kingdom of Great Britain
and Northern Ireland to the United Nations

(*Signed*) Susan E. **Rice**
Permanent Representative of the United States
to the United Nations

17 September 2012, New York